



**EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
EXECUTIVE ORDER NUMBER JML 25-119**

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***CO<sub>2</sub> CAPTURE AND STORAGE LIMITS AND MORATORIUM***

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**WHEREAS**, on January 20, 2025, President Trump signed Executive Order 14154, titled “Unleashing American Energy,” which directs all agencies to review regulations and propose deregulation through efficient permitting, specifically removing the social costs of CO<sub>2</sub> from calculations in any federal permitting or regulatory decision;

**WHEREAS**, on February 14, 2025, President Trump established the National Energy Dominance Council, through Executive Order 14213, finding it necessary to expand all forms of reliable and affordable energy production to drive down inflation, grow the economy, create good-paying jobs, reestablish American leadership in manufacturing, lead the world in artificial intelligence, and restore peace through strength by wielding commercial and diplomatic levers to end wars across the world;

**WHEREAS**, on April 8, 2025, President Trump signed Executive Order 14261, to reinvigorate American’s clean coal industry and make it a national policy and priority to support “the domestic coal industry by removing Federal regulatory barriers that undermine coal production, encouraging the utilization of coal to meet growing domestic energy demands, increasing American coal exports, and ensuring that federal policy does not discriminate against coal production or coal-fired electricity generation;”

**WHEREAS**, President Trump continues to champion energy innovation by advancing technologies such as clean coal and CO<sub>2</sub> capture and storage, in order to secure a more sustainable, reliable, and prosperous energy future;

**WHEREAS**, President Trump has identified dangerous state and local energy policies as direct threats to the nation’s domestic energy supply, warning that such actions jeopardize “our Nation’s core national defense and security needs, and devastate the prosperity of not only local residents but the entire United States population;”

**WHEREAS**, Louisiana plays a central role in our nation's energy, transportation, and petrochemical sectors, producing the second-largest volume of oil and gas in the United States and President Trump's executive orders on energy necessitate constant evaluation of Louisiana's own energy policies and laws;

**WHEREAS**, Louisiana's refineries account for 16% (1/6<sup>th</sup>) of the country's refining capacity, and its network of pipelines transport 90% of the nation's offshore energy production and 30% of the total oil and gas supply, making it essential to national energy security. However, the volatility of the oil and gas industry has, at times, created a stagnant economy for our state;

**WHEREAS**, Louisiana's extensive industrial infrastructure—including pipelines, liquefied natural gas ("LNG") facilities, a highly skilled energy workforce, and expansive port system, is in conformity with President Trump's policies, and it uniquely positions the State as a national leader in CO<sub>2</sub> capture and storage, capable of seamlessly integrating CO<sub>2</sub> capture into existing processes, enhancing America's energy competitiveness globally;

**WHEREAS**, Louisiana, for over 40 years, has injected CO<sub>2</sub> into the geological formations of our state for the use of enhanced oil recovery ("EOR") in projects;

**WHEREAS**, CO<sub>2</sub> has been safely transported via pipelines across Louisiana since 1986;

**WHEREAS**, Louisiana's unparalleled capability to produce, transport, process, utilize, and liquefy natural gas while simultaneously sequestering CO<sub>2</sub> entirely within its borders, and its position on the Gulf of America, makes the state indispensable to the pursuit of energy dominance, fostering strategic reliance from European and Asian markets seeking dependable, large-scale carbon-neutral feedstocks, thereby solidifying Louisiana's role at the forefront of global energy leadership and economic competitiveness;

**WHEREAS**, CO<sub>2</sub> capture and storage will extend Louisiana's presence in energy by creating 17,000 potential new jobs, investing seventy-six billion dollars in potential capital for communities throughout Louisiana from announced projects alone, and driving economic growth on a scale unimaginable for Louisiana;

**WHEREAS**, CO<sub>2</sub> capture and storage will provide additional revenue sources for local governments, has the potential to create a more diversified economy for Louisiana, and continue to serve as a catalyst for multiple industries, while sustaining and enhancing existing industries;

**WHEREAS**, Louisiana, with its natural geological formations, provides a favorable subsurface environment for CO<sub>2</sub> storage;

**WHEREAS**, the Environmental Protection Agency (“EPA”) is authorized to develop requirements and provisions for Underground Injection Control (“UIC”) pursuant to the Safe Drinking Water Act (“SDWA”) of 1974—a federal law establishing comprehensive standards to protect public drinking water from contaminants;

**WHEREAS**, since 1982, Louisiana has maintained primary enforcement authority (“primacy”) for the UIC program, ensuring that the State’s regulation of injection wells remains consistent with federal requirements;

**WHEREAS**, just five states, Arizona, Louisiana, North Dakota, West Virginia and Wyoming, have primacy for Class VI wells;

**WHEREAS**, Louisiana is the only state to have primacy in the U.S. Environmental Protection Agency (“EPA”) Region 6; however, neighboring states are rapidly pursuing primacy for Class VI underground injection well permits for CO<sub>2</sub>;

**WHEREAS**, in the summer of 2025, the EPA announced its proposed approval of permitting for Class VI underground injection wells in Texas under the SDWA, and we anticipate that Class VI permits will be issued in Texas in the very near future;

**WHEREAS**, Louisiana, ahead of other states with regard to CO<sub>2</sub> regulations, has continued to enact laws to ensure the health and safety of Louisiana citizens with regard to CO<sub>2</sub>. The Louisiana Legislature passed, unanimously, Act No. 517 of the 2009 Regular Session, the Louisiana Geologic Sequestration of Carbon Dioxide Act, granting the Louisiana Department of Conservation and Energy (the “Department”), the authority, now codified in R.S. 30:1104, to promulgate rules, regulations, and issue orders and permits;

**WHEREAS**, Class VI wells must comply with existing laws and the rules, regulations, and orders issued by the Department including Louisiana’s Statewide Order No. 29-N-6 (LAC 43:XVII, Subpart 6) and the SDWA of 1974;

**WHEREAS**, with a balanced approach, considering concerns of citizens and investing in economic growth, CO<sub>2</sub> capture and sequestration will provide an opportunity to lift citizens of Louisiana out of poverty;

**WHEREAS**, reasonable limits and regulation of CO<sub>2</sub> capture and sequestration is necessary, since Louisiana also has a vital obligation to protect the health, safety, and welfare of its citizens and the environment;

**WHEREAS**, the injection and long-term storage of CO<sub>2</sub> in deep geologic formations—commonly referred to as Class VI wells are specialized injection wells designed exclusively for the geologic sequestration of CO<sub>2</sub> distinct from other classes of injection wells regulated under separate statutory and regulatory frameworks;

**WHEREAS**, since Louisiana has obtained Class VI primacy, applications for 33 carbon sequestration projects have been filed with the Department, and each application is estimated to require approximately 2,000 hours of review between its submission and a permit decision being made;

**WHEREAS**, it is imperative that the Department be allowed to put into place a well-thought-out and methodical approach to application review and permitting that takes into consideration of the safety of our citizens and environment and that streamlines the process for greater efficiency;

**WHEREAS**, the federal government through the Pipeline and Hazardous Materials Safety Administration (“PHMSA”) has been engaged in strengthening CO<sub>2</sub> pipeline safety requirements (“PHMSA–2022–0125”), and the proposed federal rules for CO<sub>2</sub> pipelines—consistent with Louisiana’s Statewide Order 29-N-6 and LAC 33:V (“Hazardous Wastes and Hazardous Materials”) requirements—provide a framework mandating that pipelines be designed, constructed, and operated with enhanced safety measures, including:

- A. Clearly defined emergency planning zones
- B. Thorough corrosion control measures.
- C. Automatic shut-off valves in strategic locations.
- D. Expanded public awareness programs.
- E. Mandatory minimum setback distances from residential communities.
- F. Comprehensive emergency response protocols.
- G. Enhanced design features to protect against pipeline shearing or rupture and monitoring requirements.

**WHEREAS**, to support balanced economic growth and safeguard public trust, I, as Governor, have heard the concerns of citizens and communities and am stepping in to require agencies to work together—particularly the Department and Louisiana Economic Development (“LED”) to:

- A. Evaluate economic potential for projects associated with Class VI applications, reporting on their projected economic impact including local and regional economic growth, workforce opportunities, and any community benefit plan adopted by parish governments.
- B. Ensure a process to incorporate stakeholder input from businesses, industry associations, and local communities, ensuring transparency and broad engagement.
- C. Collaborate with other agencies, including but not limited to, Louisiana Department of Environmental Quality (“DEQ”), Louisiana Department of Revenue (“LDR”), and Louisiana Department of Wildlife and Fisheries (“LDWF”), to balance robust industrial development with rigorous environmental and safety protections.
- D. Ensure a process where the applicant recommends strategies to prevent and mitigate long-term unintended consequences while fostering innovation and investment in CO<sub>2</sub> capture technologies so that projects not only offer broad economic benefits but also ensure diligent environmental and safety protections.

**WHEREAS**, in accordance with LAC 43:XVII.3615 promulgated by the Department, each Class VI applicant must conduct an area of review analysis and address any wells that could affect containment integrity, in addition to other critical site characterization and review steps;

**WHEREAS**, the Department has promulgated requirements for Class VI injection wells, including but not limited to plugging and abandonment (LAC 43:XVII.3631), pre-operational reviews (LAC 43:XVII.3619), emergency and remedial response (LAC 43:XVII.3623), financial assurance (LAC 43:XVII.3609), and public notification (LAC 43:XVII.3611) to ensure exhaustive analysis before granting a permit to operate;

**WHEREAS**, Department Guidance No. B-2025-01 and No. B-2025-01-A establish agency expectations for Class VI permit application review, including a standard two-year processing timeframe, structured technical review and public hearing stages, prioritization of projects with economic development significance, and alignment with federal EPA standards to ensure transparency and protection of underground sources of drinking water;

**WHEREAS**, in order to create further transparency for the citizens of our state, the Louisiana Legislature passed Senate Bill 244 of the 2025 Regular Session, Act 458, changing the

process that will be followed any time an applicant claims portions of records are confidential business information and exempt from production under the Public Records Law;

**WHEREAS**, local government and citizens, through their local government, have a right to be heard to ensure safety, transparency, and local input;

**WHEREAS**, Act Nos. 407 and 414 of the 2025 Regular Session require the Department to give substantial consideration to oral or written comments submitted by local governments in any matter requiring public comment or a public hearing;

**NOW THEREFORE, I, JEFF LANDRY**, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

Section 1: Moratorium

I hereby direct the Department to suspend review of any new Class VI applications to construct that are submitted to it after the effective date of this order, unless directed otherwise.

Section 2: Concentration on Specific Class VI permits

Due to the Department's volume of applications received, over the next forty-five days, the Department is ordered to reevaluate the status of applications for assessment and prioritization for the Class VI permits listed in Section III. of Department Guidance No. B-2025-01.

For those Class VI applications to construct received prior to the effective date of this order, no other permit application shall be prioritized until there has been compliance with Sections 4 and 6-10 herein.

Section 3: Applicability and Purpose

The purpose of this Order is to provide a clear roadmap for citizens and local officials, ensuring that applications for proposed Class VI projects comply with existing Louisiana rules for carbon injection (LAC 43:XVII, Subpart 6 – Statewide Order 29-N-6) and carbon dioxide pipelines (LAC 33:V Hazardous Wastes and Hazardous Materials), including any forthcoming changes to pipeline safety regulations by PHMSA, and all relevant federal and state environmental laws.

Section 4: Permit Issuance Requirements

The Department shall not issue any Class VI permit to inject or operate a CO<sub>2</sub> injection well until the applicant has satisfactorily demonstrated compliance with rules, regulations, and

orders issued by the Department, including, but not limited to rules, regulations, and orders addressing the following:

- A. Gathering necessary pre-application data in order to complete the required application components;
- B. Application requirements found in LAC 43:XVII.3607, which include among other things: maps of the area of review showing ownership, topographical information, existing wells, surface bodies of water, roads, and habitable structures; comprehensive site characterization plan showing underground sources of drinking water, confining layer(s), geologic and geochemical data, mineralogy, and other pertinent data; proposed operating data and well operations plan with well controls and safeguards; determination of appropriate area of review (“AOR”); corrective action plan for addressing any deficient wells within the AOR; environmental analysis; proposed well design and construction plan including materials analysis; data collection and monitoring plan; proposed emergency response plan; post-injection monitoring plan; plug and abandonment plan; financial security and assurance to cover the costs of emergency response, post injection monitoring, and plugging, abandonment and restoration requirements;
- C. Compliance with the State and Local Coastal Resources Management Act requirements (if the proposed project is located within the coastal zone);
- D. Emergency Operations Plan;
- E. Well Control procedures;
- F. Identification and mitigation of any existing well, formerly plugged, abandoned, or otherwise; ensuring that all wells are properly plugged and abandoned or otherwise properly addressed with materials resistant to corrosion by CO<sub>2</sub> potentially posing a risk consistent with LAC 43:XVII.3615;
- G. Materials analysis ensuring that well casing for Class V monitor wells, Class VI injection wells, all prior, current, and future artificial penetrations within the AOR, including pipeline materials are fit for CO<sub>2</sub> service;
- H. Construction Plan that meets all Class VI well design standards (LAC 43:XVII.3617);
- I. Data Collection and Monitoring;

- i. Receive approval of a Testing and Monitoring Plan in accordance with LAC 43:XVII.3625) to set forth monitoring requirements so as to protect USDWs and to use continuous recording devices to monitor injection pressure, rates, and volumes;
  - ii. Receive approval of a plan to delineate Area AOR and of a Corrective Action plan in accordance with LAC 43:XVII.3615, including a well-by-well plan for corrective action when required;
  - iii. Acquire 3D seismic or other acceptable forms of geophysical data to identify any faults or fractures;
  - iv. Conduct geologic data and analysis establishing adequate confining layers and injection zones;
- J. Plume Modeling analysis (including pressure front) to demonstrate that all zones outside the approved injection and confining zones (including the USDWs) are protected;
- K. Comprehensive Site Characterization describing geologic structures, geochemistry, and any risk factors pertinent to long-term CO<sub>2</sub> containment;
- L. Submit a Plugging and Abandonment Plan that meets or exceeds the requirements of LAC 43:XVII.3631;
- M. Demonstrate adequate Financial Responsibility in accordance with LAC 43:XVII.3609;
- N. Minimum Financial Assurance Amount – Companies must maintain financial assurance to cover state-approved cost estimates for well closure, post-closure care, and emergency response. (LAC 43:XVII.3609.C);
- O. Coverage Requirements – Financial assurance must specifically cover corrective action, well plugging, post-injection site monitoring and closure, address any endangerment of underground sources of drinking water, and emergency and remedial response actions (LAC 43:XVII.3615, 3623, 3631, and 3633);
- P. Allowed Financial Instruments – Permitted instruments include surety bonds, letters of credit, third-party insurance, and trust accounts; Self-insurance or basic operator-held escrow accounts are strictly prohibited (LAC 43:XVII.3609.C);



- Q. Annual Adjustments (Indexing and Cost-estimate Updates) – Financial assurance amounts are reviewed and updated yearly to match inflation and any changes in cost estimates (LAC 43:XVII.3609.C.);
- R. Availability of Funds (Readiness) – Financial assurance must remain available until official state approval of well closure and post-closure care completion. Financial tools cannot be easily canceled, even if the company faces financial difficulties (LAC 43:XVII.3609.C);
- S. Survey Plats identifying location and layout details of the proposed well and associated pipelines;

Section 5: Pipeline Safety Integration

For pipelines transporting CO<sub>2</sub> to or from Class VI wells, all operators shall adhere to the existing requirements found at LAC 33:V (Hazardous Wastes and Hazardous Materials) and any forthcoming federal CO<sub>2</sub> pipeline safety standards currently under PHMSA rulemaking (PHMSA–2022–0125). Where any provision has been delayed at the federal level but is consistent with LAC 33:V (Hazardous Wastes and Hazardous Materials) and Statewide Order 29–N-6, the Department shall require equivalent protective measures, including remote or automatic shut-off valves, robust emergency planning, and corrosion-control protocols.

The Department shall continue to monitor any updates to PHMSA rules and incorporate these updated federal standards into its requirements (LAC 33:V.Subpart 3) as warranted to protect public safety and environmental quality.

Section 6: Public Engagement Rules

Public Engagement recommendations will be considered as set forth in Department Guidance No. B-2025-01-A.

Section 7: Landowner Rights and Comments

It is the policy of the State of Louisiana that the requirements set forth in Act Nos. 407 and 414 of the 2025 Regular Session, codified in R.S. 30:1104, *et seq.*, shall serve as Louisiana’s Landowner Bill of Rights for Geologic Sequestration Projects, and local governments shall be given due consideration in their comments, and that these protections shall help to guide all permitting, orders, authorizations, certificates of public necessity and convenience, unitization, negotiation undertaken pursuant to the Louisiana Geologic Sequestration of Carbon Dioxide Act.

The Department shall document, in writing, all relevant local government concerns received and demonstrate how these comments were taken into account in the permitting decision.

Section 8: Coordination on Other Regulatory Requirements

The Department shall ensure that Class VI projects address other applicable regulatory requirements under its purview and coordinate with other regulatory agencies to ensure that Class VI projects are addressing applicable requirements, including:

- A. Compliance with the State and Local Coastal Resources Management Act requirements (if the proposed project is located within the coastal zone);
- B. Analysis of Threatened and Endangered Species (in coordination with U.S. Fish and Wildlife Service);
- C. Compliance with all relevant U.S. Army Corps of Engineers rules and regulations, including wetlands and waterbody impact review;
- D. Compliance with requirements delegated to the DEQ, where applicable;
- E. Compliance with State and federal Fish and Wildlife Conservation Acts to protect ecosystem health;
- F. Preservation of Louisiana's Historic Items, if discovered, pursuant to the State Historic Preservation Office rules;

Section 9: Coordination with Department of Economic Development

For proposed projects applying for Class VI permits with potential for significant economic impact, LED shall be consulted to ensure that project benefits to the local economy are maximized without compromising public health, safety, or environmental standards. LED's economic impact figures shall be the figures the Department uses in its analysis.

Section 10: Public Transparency and Access to Information

The Department shall provide public access via its website to all draft permits, project summaries, and final approved permits, consistent with LAC 43:XVII.3611.

Where applicable, the Secretary may hold public meetings or hearings to address local concerns, consistent with LAC 43:XVII.3611 and the relevant requirements for notice and comment.

Section 11: Enforcement and Severability

This Order shall be enforced by the Department, in coordination with the Louisiana State Police, DEQ, and other authorities, if necessary.

If any provision of this Order, or the application thereof, is held to be invalid, such invalidity shall not affect other provisions or applications of this Order, which can be given effect without the invalid provision or application; the provisions of this Order are severable.

Section 12: Effective Date

This Order is effective upon signature and shall remain in effect unless amended, modified, rescinded, or terminated by further Executive Order. All state agencies, offices, boards, and commissions are hereby directed to comply with the provisions of this Order.



**IN WITNESS WHEREOF**, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 15<sup>th</sup> day of October, 2025.

  
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**Jeff Landry**  
**GOVERNOR OF LOUISIANA**

**ATTEST BY THE SECRETARY  
OF STATE**

  
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**Nancy Landry**  
**SECRETARY OF STATE**